

**Andover Conservation Commission Meeting Minutes  
October 18, 2011**

Town of Andover  
36 Bartlett Street  
3d Floor Conference Room  
7:50pm

**Commission Members in Attendance:**

Chairman Donald Cooper, Commissioner Fran Fink, Commissioner Alix Driscoll, Commissioner Jon Honea and Commissioner Kevin Porter. Staff Members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

Prior to the call of the Scheduled Items, the Commission honored former Commissioner Gail Ralston for her many years of service to the Conservation Commission. She is the only Commissioner to have been a Selectman prior to becoming a Conservation Commissioner. Gail also served on the Conservation Commission two separate terms. She has revived the Overseers Program and was the first Commissioner to undertake public relations on behalf of the Conservation Commission, including a huge undertaking of the History of the Andover, Massachusetts Conservation Commission. Gail was honored with a plaque on behalf of the Commission.

**SCHEDULED ITEMS:**

**197 Andover Street**

**Present in Interest: Bill MacLeod and Shane Marrion**

*Staff Recommendation: Continue to date uncertain.*

Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a six space parking lot and renovation of an existing driveway.

Mr. Douglas presented this to the Commission. This is not ready for a decision tonight, we are still waiting for DEP Comments. The Applicant is seeking to build a driveway in the first 100 foot inner Riparian of the 200 foot River Front Resource Area. No waivers have been requested.

Mr. MacLeod introduced the project by presenting the proposed plan. The plan presented has the least amount of impervious area possible for the constraints of this lot. The property has been a residential property in the past, but is not conducive to that use as the house sits on the railroad tracks. There will be no expansion to the existing building. The paving of the parking area will be done on existing lawn area with no tree removal. Almost the entire lot is within the 100 foot inner Riparian, there is an existing paved driveway on the easterly side of the house which will be used as the entrance to the

parking area. There will be a stone infiltration trench and interception swale built to provide infiltration which will not require maintenance or more paved area. The runoff from the grass will go into the infiltration trench and the sodded berm will keep the water from running directly into the River. The area along the River and the rest of the lawn area will be allowed to naturalize.

Commissioner Fink believes the parking area is further degrading the lot and there is an empty parking lot across the street that could be used for parking. According to the regulations, (10.58(4)(c) and 10.58(4)(c)2 a,b,c nothing can be put within the first 100 foot Riparian. Redevelopment would not apply because the area is not previously disturbed, it is existing lawn.

Commissioner Driscoll is concerned about the flooding in this area. She inquired if Mr. MacLeod used the current FEMA maps. Mr. MacLeod responded that the building is at 100 year flood elevation and the proposed parking area is 2 feet higher than the 100 year flood mark.

Commissioner Fink asked for soil data for the infiltration trench and perk tests to determine the water table. She also said DEP policy requires grass filter strip to be 25 feet before the trench, this would push the berm much closer to the River. The Andover setback for more than 4 parking spaces is 50 feet and this is not met.

Commissioner Porter is concerned that snow will be plowed into the River and asked that boulders be placed along the side to prevent this from happening. Mr. MacLeod agreed.

The issues the Commission will need addressed by the Applicant are as follows:

1. Snow plowing and boulder placement
2. Stormwater standards
3. Work within the 50 foot setback
4. Work within the first 100 foot Riparian
5. Commercial Work
6. Flood elevation
7. Soils and infiltration information

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to continue to November 15, 2011, it was seconded by Commissioner Porter and unanimously approved.

## **9-10 Mulberry Circle**

*Staff Recommendation: Do not Open Public Hearing*

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of a single family dwelling.

Procedurally deficient, abutters were not notified.

## **ACTION ITEMS:**

### **221 Highland Avenue**

*Staff Recommendation: Approve*

Ratify Enforcement Order for unauthorized clearing proximate and/or in a Bordering Vegetated Wetland. There are sheds constructed in the clearing which are housing various animals.

Commissioner Driscoll made a Motion to Ratify the Enforcement Order, it was seconded by Commissioner Honea and unanimously approved.

### **Newport Circle Subdivision and 6 Newport Circle Present in Interest: Bill MacLeod**

*Staff Recommendation: Issue Enforcement Order*

Issuance of an Enforcement Order with fines for tree clearing above the maximum square footage permitted for this subdivision and non-compliance with the Order of Conditions.

Agent Cleary presented this to the Commission. The Commission had previously denied the Request for an Amendment to permit “after-the-fact” clearing. The Building Inspector has also issued a cease and desist order for violation of zoning provisions. Staff believes fines should be considered. The reforestation plan is due by November 4, 2011 and if the plan is not submitted, daily fines should begin.

Mr. MacLeod stated that the Applicant was told to file an Amendment and then it was denied. The Applicant is not uncooperative and is working on the restoration plan this week. Mr. MacLeod was asked to gather more data on the clearing of the other lots and he complied.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to issue the Enforcement Order tonight and begin fines if the plan not submitted by November 4, 2011 on both Newport Circle Subdivision and 6 Newport Circle, it was seconded by Commissioner Driscoll and unanimously approved.

### **299 Main Street**

*Staff Recommendation: Approval of BSC Report and plan and issue 2<sup>nd</sup> Enforcement Order*

Vote to approve wetland delineation report and associated plan which is in compliance with an Enforcement Order issued on August 30, 2011. Issuance of a “Friendly Enforcement Order” to remove a portion of fencing located in the resource area and install non-disturb bounds 25 feet from the wetland boundary.

Agent Cleary presented this to the Commission. The Enforcement Order was issued by staff on August 30, 2011 and ratified by the Commission on September 6, 2011 for the

installation of a tall chain link fence within what appeared to be a contiguous BVW by the Town Wetland Maps. The homeowner hired BSC Group to do a delineation. Staff agrees with the report of BSC Group that it is not a contiguous wetland, but 2 small BVWs on each end of the property.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to Approve BSC Group's report and plan and to issue a "Friendly Enforcement Order" to remove fencing located in the resource area and install bounds per staff recommendation, it was seconded by Jon Honea and unanimously approved.

### **CONSENT AGENDA:**

#### **31 Country Club Lane**

Issuance of a Certificate of Compliance.

Commissioner Honea made a Motion to Approve, it was seconded by Commissioner Porter and unanimously approved.

#### **77 Harold Parker Road**

Issuance of a Certificate of Compliance.

Tabled.

### **DISCUSSION ITEMS/INFORMATION ITEMS THAT MAY REQUIRE A VOTE:**

#### **Fosters Pond Reservation and**

#### **AVIS Goldsmith Reservation**

#### **Present in Interest: Sam Doscocil and Dayla Doscocil and Robert DeCelle**

Sam presented his Eagle Scout Project to the Commission. The project consists of building a bridge and retaining wall on the Fosters Pond side of the reservation. The materials will be driven in from the AVIS side and the scouts helping with the project will walk in from the Fosters Pond side. He hopes to have it completed in one day. There will be 2 posts set in the river for support and the bridge will rest on stone donated by AVIS. A large boulder will need to be moved to put in one of the posts. The total cost is about \$420.00 and Sam is getting donations to cover the cost. There will be no cutting of the lumber on site, it will be done off site and brought in.

Commissioner Porter made a Motion to Approve the project, it was seconded by Commissioner Driscoll and unanimously approved.

## **9 Ballardvale Road**

The Commission re-signed Certificate of Compliance voted and approved on September 21, 2011.

## **Franciscan Land Update**

Commissioner Fink updated the Commission. This is the last link for the Merrimack River frontage. There are existing trails leading from the Monastery to AVIS land. The conditions would suggest redevelopment to include parking underneath any buildings and reuse of existing developed parts of site over clearing of forest and steep slopes. The Commission would like to obtain as much land as possible or at least be granted a Conservation Restriction for all undeveloped land and to provide public access from River Road.

Commissioner Honea made a Motion to allow Commissioners Fink and Driscoll to represent the Commission in this process of obtaining as much land as possible or a Conservation Restriction as stated, it was seconded by Commissioner Driscoll and unanimously approved.

**The next meeting will be held at 7:45pm on November 1, 2011.**

**The meeting was adjourned at 9:35pm by Motion of Commissioner Honea, it was seconded by Commissioner Porter and unanimously approved.**

**Respectfully submitted by:**

**Lynn Viselli,  
Recording Secretary**